



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

SEP 10 2001

RECEIVED

In re application of :

Jacques DUMAS et al. :

Serial No.: 09/776,935 :

Filed: December 22, 1998 :

Group Art Unit: 1617

Examiner: Bahar, M.

For: INHIBITION OF p38 KINASE USING ARYL AND HETEROARYL SUBSTITUTED  
HETEROCYCLIC UREAS

I hereby certify that this correspondence is being deposited  
with the U.S. Postal Services as First Class Mail in an envelope  
addressed to Assistant Commissioner for Patents  
Washington, D.C. 20231 On: September 4, 2001  
Name: Richard J. Traverse  
SIGNATURE *Richard J. Traverse*  
DATE September 4, 2001

**RESPONSE TO RESTRICTION REQUIREMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The methods encompassed by claims 1-16 are directed to the treatment of diseases mediated by p38. In response to the requirement to elect a single disease mediated by p38 for search and examination, Applicants elect: "Rheumatoid arthritis."

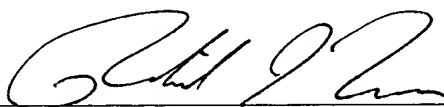
Although diseases mediated by p38 involve various fields of medical technology, the methods of claims 1-16 are linked by the common use of compounds of Formula I which have a common activity. With the use of common compounds having this common activity, Applicants submit the examination should be extended to all diseases mediated by p38.

Election of a single compound of formula I for search and examination is also required on the basis that each species is patentably distinct. While the structure of each species may not suggest the structure of other compounds within the scope of Formula I, this is insufficient basis for requiring restriction to such a narrow field of the invention. Applicants cannot be expected to file separate applications for every disclosed species. The method claims are directed to the use of particular ureas of Formula I in which one of three specific heterocyclic groups is part of the base structure and is further limited by a substituent of specific aryl or hetaryl groups at a specific location on the heterocyclic group. No showing has been made of an undue burden to search and examine all of the subject matter with the limitations set forth in claims 1-16. It

is only alleged that each of the species is separately patentable subject matter. It has not been shown that a wide variety of different subclasses need to be searched. In a related application directed to methods for treating p38 mediated diseases with a distinct class of ureas (Serial No. 09/425,229) the full scope of all method claims was examined without any restrictions. Therefore, Applicants submit that the full scope of the subject matter of claims 1-16 should be examined.

To complete the response to the election requirement, Applicants elect the species of Example 21 which is N-(1-phenyl-3-tert-butyl-5-pyrazolyl)-N'-(4-pyridinylmethyl)phenyl urea.

Respectfully submitted,



Richard J. Traverso (Reg. No. 30,595)  
Attorney for Applicants

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.  
Arlington Courthouse Plaza I  
2200 Clarendon Boulevard, Suite 1400  
Arlington, Virginia 22201  
Direct Dial: (703) 812-5310  
Internet address: traverso@mwzb.com

Filed: September 4, 2001

**BAYER 12P1**

RJT/lvb

K:\Bayer\12\P1\resp to restr req 9-4-01.wpd